The following meeting was held pursuant to the Governor’s Executive Orders N-25-20 and N-29-20 and fully teleconferenced from various locations during the coronavirus disease (COVID-19) pandemic.

**CALL TO ORDER**

Chair Jennings called the meeting to order at 6:30 p.m.

**ROLL CALL**

The following persons were recorded in attendance via teleconference by the Recording Secretary:

**PRESENT:** Chair Jeffrey Jennings; Vice Chair John Mazza; and Commissioners Chris Marx, Steve Uhring, and David Weil

**ALSO PRESENT:** Patrick Donegan, Assistant City Attorney; Bonnie Blue, Planning Director; and Kathleen Stecko, Administrative Assistant

**REPORT ON POSTING OF AGENDA**

Administrative Assistant Stecko reported that the agenda for the meeting was properly posted on July 27, 2020.

**APPROVAL OF AGENDA**

**MOTION** Vice Chair Mazza moved and Commissioner Weil seconded a motion to approve the agenda. The question was called and the amended motion carried unanimously.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

None.

**ITEM 2.A. PUBLIC COMMENTS**

Kraig Hill discussed installation of emergency sirens. He requested the practice of allowing the deferment of speaking time to other speakers be reinstated. He stated he would like to see a freer exchange of information during the meeting between the Commission, staff, and meeting attendees.
ITEM 2.B. COMMISSION / STAFF COMMENT

Commissioner Marx provided suggestions on facilitating easier public participation on virtual meetings.

Vice Chair Mazza and Commissioner Uhring commented on public participation at teleconference meetings, indicating agreement with Mr. Hill’s comments.

Chair Jennings stated he would also like to see virtual meetings mirror live meetings as much as possible with available technology.

In response to the Commission, Planning Director Blue stated there was a due process and fairness concern surrounding informal communication between meeting participants and the Commission. She stated the deferment of time posed technical challenges. She stated Chair had discretion to allow additional speaking time and input from the public, but the Planning Commission meeting procedures were in keeping with the City Council meeting procedures. She announced a virtual Zoning Ordinance Revision and Code Enforcement Subcommittee meeting on August 6, 2020, to discuss the topic of parking as a stand-alone use. She stated the Council would consider an interim enforcement ordinance for short-term rentals and on August 10, 2020.

Assistant City Attorney Donegan stated should the necessity of continuing to hold virtual meetings continue, enhanced protocols could be considered that would likely be implemented incrementally.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.3. was pulled from the Consent Calendar for individual consideration by Vice Chair Mazza.

MOTION Vice Chair Mazza moved and Commissioner Marx seconded a motion to approve the balance of the Consent Calendar. The question was called and the motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items
   None.

B. New Items
   1. De Minimis Waiver No. 20-006 — An application for a replacement onsite wastewater treatment system
      Location: 29233 Bluewater Road, not within the appealable coastal zone
      APN: 4467-007-025
      Owners: James and Inez McGee
Case Planner: Associate Planner Thompson, 456-2489, ext. 280
Recommended Action: Receive Planning Director’s report on De Minimis Waiver No. 20-006 for a replacement onsite wastewater treatment system.

Extension of Coastal Development Permit No. 15-074 – A request to extend the Planning Commission’s approval of Coastal Development Permit No. 15-074, an application for the construction of a new 1,093 square-foot story addition, including a second story deck, interior remodel to an existing one-story residence, and demolition of an addition without benefit of permit
Location: 24542 Malibu Road
APN: 4458-012-012
Owner: Lachman Family Trust
Case Planner: Associate Planner Kendall, 456-2489, ext. 301
Recommended Action: Adopt Planning Commission Resolution No. 20-50 granting a two-year extension of Coastal Development Permit No. 15-074, and Demolition Permit No. 17-011, an application for the construction of a 1,093 square-foot second story addition, including a second story deck, interior remodel to an existing one-story residence, and demolition of an addition without benefit of permit located in the Single Family – Medium Density zoning district at 24542 Malibu Road (Lachman Family Trust).

The following item was pulled from the Consent Calendar for individual consideration:

Administrative Coastal Development Permit No. 16-062, Site Plan Review No. 18-030, Minor Modification No. 20-002, Demolition Permit No. 19-008, and Code Violation No. 19-003 – An application for the after-the-fact replacement of an existing, two-story single-family residence and associated development
Location: 29215 Cliffside Drive, not within the appealable coastal zone
APN: 4468-003-005
Owner: Cliffside Dume, LLC
Case Planner: Associate Planner Brooks, 456-2489, ext. 276
Recommended Action: Receive and file the Planning Director’s report on the approval of Administrative Coastal Development Permit No. 16-062.

Associate Planner Brooks presented the staff report.

Disclosures: Commissioners Marx and Weil.

The Commission directed questions to staff.

RECESS

At 7:12 p.m., Chair Jennings recessed the meeting. The meeting reconvened at 7:17 p.m. with all Commissioners present.

The Commission directed questions to staff.
As there were no further questions for staff, Chair Jennings opened public comment.

Speaker: Scott Gillen.

As there were no other speakers present, Chair Jennings closed public comment and returned the matter to the table for discussion.

The Commission directed questions to staff.

MOTION Vice Chair Mazza moved and Commissioner Uhring seconded a motion directing staff to notice the item for a public hearing and process the application as a regular coastal development permit — Administrative Coastal Development Permit No. 16-062, Site Plan Review No. 18-030, Minor Modification No. 20-002, Demolition Permit No. 19-008, and Code Violation No. 19-003, an application for the after-the-fact replacement of an existing, two-story single-family residence and associated development. The question was called and the motion carried 3-2, Commissioner Weil and Chair Jennings dissenting.

ITEM 4 CONTINUED PUBLIC HEARINGS

None.

RECUSAL At 7:26 p.m., Vice Chair Mazza recused himself based upon having recused himself from the item in the past and left the meeting.

ITEM 5 NEW PUBLIC HEARINGS

A. Coastal Development Permit No. 17-043, Site Plan Review No. 17-014, and Demolition Permit No. 17-013 — An application to demolish an existing single-family residence and associated development and construct a new single-family residence and associated development

Location: 29043 Grayfox Street, not within the appealable coastal zone
APN: 4466-017-002
Owners: John and Tatiana Atwill
Case Planner: Associate Planner Brooks, 456-2489, ext. 276
Recommended Action: Adopt Planning Commission Resolution No. 20-51 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-043 for demolition of an existing single-family residence and associated development and the construction of a new 5,085 square foot, two-story single-family residence plus a 966 square foot attached garage, a 345 square foot covered loggia on the first floor, a 312 square foot trellised loggia on the second floor, swimming pool, perimeter walls, landscaping, hardscaping and grading, and the installation of a new onsite wastewater treatment system, including Demolition Permit No. 17-013 for the
demolition of an existing single-family residence and associated development and Site Plan Review No. 17-014 for construction in excess of 18 feet in height up to 28 feet for a pitched roof located in the Rural Residential-One Acre zoning district at 29043 Grayfox Street (Atwill).

Associate Planner Brooks presented the staff report.

Disclosures: Commissioners Marx, Uhring, and Weil and Chair Jennings.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Jennings opened the public comment portion of the public hearing.

Speakers: Don Schmitz and John Stockwell.

Mr. Schmitz provided rebuttal to the public comment.

As there were no other speakers present, Chair Jennings closed the public comment portion of the public hearing and returned the matter to the table for discussion.

The Commission directed questions to staff and Mr. Schmitz.

MOTION Commissioner Weil moved and Chair Jennings seconded a motion to adopt Planning Commission Resolution No. 20-51 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-043 for demolition of an existing single-family residence and associated development and the construction of a new 5,085 square foot, two-story single-family residence plus a 966 square foot attached garage, a 345 square foot covered loggia on the first floor, a 312 square foot trellised loggia on the second floor, swimming pool, perimeter walls, landscaping, hardscaping and grading, and the installation of a new onsite wastewater treatment system, including Demolition Permit No. 17-013 for the demolition of an existing single-family residence and associated development and Site Plan Review No. 17-014 for construction in excess of 18 feet in height up to 28 feet for a pitched roof located in the Rural Residential-One Acre zoning district at 29043 Grayfox Street (Atwill).

The Commission discussed the motion and directed questions to Mr. Schmitz.

The motion was withdrawn by Commissioner Weil.

MOTION Commissioner Marx moved and Commissioner Uhring seconded a motion to continue to the September 8, 2020 Regular Planning Commission meeting to allow time for the applicant to consult with neighbors about the project per City Council direction – Coastal Development Permit No. 17-043, Site Plan Review No. 17-014,
and Demolition Permit No. 17-013, an application to demolish an existing single-family residence and associated development and construct a new single-family residence and associated development.

The Commission discussed the motion and directed questions to Mr. Schmitz.

The question was called and the motion carried 4-0, Vice Chair Mazza absent.

**ITEM 6 OLD BUSINESS**
None.

**ITEM 7 NEW BUSINESS**
None.

**ITEM 8 PLANNING COMMISSION ITEMS**
None.

**ADJOURNMENT**

**MOTION** At 8:25 p.m., Commissioner Uhring moved and Commissioner Marx seconded a motion to adjourn the meeting. The question was called and the motion carried 4-0, Vice Chair Mazza absent.

Approved and adopted by the Planning Commission of the City of Malibu on October 5, 2020.

JOHN MAZZA, Chair

ATTEST:

KATHLEEN STECKO, Administrative Assistant